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7
8

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re

12 THE LITIGATION PRACTICE GROUP P.C.,
13 Debtor.
14
15

Case No. 8:23-bk-10571-SC

Chapter 11

CHAPTER 11 TRUSTEE’S OMNIBUS
UNILATERAL REPORT REGARDING
STATUS OF MOTIONS FOR
ALLOWANCE OF ADMINISTRATIVE
EXPENSE CLAIM UNDER 11 U.S.C.
§503(b)

16 Date: February 29, 2024
17 Time: 11:00 a.m.
18 Ctrm: Courtroom 5C – Virtual¹
411 West Fourth Street
Santa Ana, CA 92701

19 TO THE HONORABLE JUDGE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY
20 COURT JUDGE AND ALL INTERESTED PARTIES:

21 Richard A. Marshack, in his capacity as the Chapter 11 Trustee (“Trustee”) of the bankruptcy
22 estate (“Estate”) of The Litigation Practice Group P.C. (“Debtor”), respectfully submits this omnibus
23 unilateral status report (“Status Report”) in advance of the status conferences to be held on February
24 29, 2024 regarding motions or applications seeking allowance of administrative expense claim
25

26 ¹ This hearing date is designated Zoom Only, pursuant to Judge Clarkson’s self-calendaring
27 procedures. Video and audio connection information for each hearing will be provided on Judge
28 Clarkson’s publicly posted hearing calendar, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC>.

1 (“Admin Claim”) under 11 U.S.C. §503(b). Pursuant to Court order entered on January 8, 2024, as
2 Dk. No. 818, this Status Report will address each claim and the parties’ anticipated amount of time
3 necessary for discovery and briefing. This Status Report will also address administrative claim of
4 Israel Orozco, Dk. No. 862, which was filed on January 20, 2024, after Court entered its order but
5 which is nonetheless on the docket for the February 29, 2024 hearing (“2/29 Hearing”).

6 **ADMINISTRATIVE CLAIM MOTIONS SUBJECT TO COURT ORDER**

7 **Dk. No. 647, filed by Judith Skiba**

8 No further discovery needed. Upon completing the investigation, Trustee will shortly be
9 filing a claim objection, opposing the entirety of Ms. Skiba’s administrative claim based on her
10 failing to allege any facts that would conform to requirements set out in 11 U.S.C. §503(b).

11 On July 30, 2023, Ms. Skiba filed a Proof of Claim No. 134 and then on September 14, 2023,
12 Ms. Skiba filed an amended Proof of Claim No. 134-1 in the amount of \$20,000.00 for “refund, fees,
13 personal injury.” Ms. Skiba’s administrative claim motion, filed on November 8, 2023, seeks
14 \$20,000.00 “for compensation for the harm that was done to her with Breach of Contract,
15 Defrauding the Creditor, Damaging her Creditor Score, and Defamation of Character.” In support of
16 her motion, Ms. Skiba attached her retainer agreement with Phoenix Law. In investigating Ms.
17 Skiba’s claim, Trustee found that Phoenix Law, through its lead attorney Ty Carss, had issued a
18 refund to Ms. Skiba in the amount of \$600, and mailed it to her on August 3, 2023. The refund
19 check, according to Trustee’s communication with Ty Carss, appears to have been uncashed. A
20 copy of check #1000 and a copy of the letter accompanying the check are included as **Exhibit 1**,
21 partially in response to Ms. Skiba’s filing of two requests for court order for information (Dk. No.
22 867 and Dk. No. 902).

23 **Dk. No. 665, filed by ADP**

24 Trustee is currently investigating and verifying the \$246,700.94 ADP claim. Trustee
25 anticipates requiring 4 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and
26 file a substantive response.

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Dk. No. 671, filed by United Partnerships

Trustee is currently investigating and verifying the \$178,665.70 United Partnerships claim. Based on ongoing communication with United Partnerships' counsel, Trustee anticipates requiring 6 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive response.

Dk. No. 674, filed by Han Trinh

Trustee is currently investigating and verifying the \$136,280.56 Han Trinh claim. Based on ongoing communication with Han Trinh's counsel, Trustee anticipates requiring 6 weeks post-2/29 Hearing to complete discovery and to file a substantive response. Current investigation of Han Trinh's admin claim hinges on the exact date and the reason that her salary as Debtor's employee increased nearly ten-fold in the span of two and a half years, from \$17.31/hr to \$300,000/yr, to determine whether Han Trinh received any payments that may be considered preferential. Han Trinh's declaration attached to Dk. No. 822, which states that she is "not financially well off" indicates that the timing of the salary increase may fall within the preferential payment period and Trustee may have to request Han Trinh to disgorge excess salary payment she received pre-petition.

As Han Trinh is no longer party to an adversary proceeding, Trustee is within his rights to conduct a 2004 examination but anticipates that voluntary exchange of documents at this point may suffice.

Dk. No. 675, filed by Phuong (aka Jayde) Trinh

Trustee is currently investigating and verifying the \$114,825.14 Phuong (aka Jayde) Trinh claim ("Jayde Claim"). Based on ongoing communication with Jayde Trinh's counsel, Trustee anticipates requiring 6 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive response. Current investigation of Jayde Trinh's admin claim hinges on the exact date and the reason that her salary as Debtor's employee more than doubled, from \$120,000/yr to \$250,000/yr to determine whether Jayde Trinh received any payments that may be considered preferential. Jayde Trinh's declaration attached to Dk. No. 822, which states that she is "not financially well off" indicates that the timing of the salary increase may fall within the preferential

1 payment period and Trustee may have to request Jayde Trinh to disgorge excess salary payment she
2 received pre-petition.

3 Further, Trustee is currently investigating a non-traditional salary arrangement Jayde Trinh
4 appears to have had in that Debtor paid Jayde Trinh's student loans. As Jayde Trinh is no longer
5 party to an adversary proceeding, Trustee is within his rights to conduct a 2004 examination but
6 anticipates that voluntary exchange of documents at this point may suffice.

7 **Dk. No. 676, filed by Greyson Law Center, PC**

8 Trustee is currently investigating and verifying the \$5,134,000.00 Greyson Law Center claim
9 ("Greyson Claim"). Based on the fact that Greyson Claim alleges that its attorneys handled 2,567
10 lawsuits in the post-petition admin period, Trustee anticipates requiring at least 8 weeks post-2/29
11 Hearing to complete discovery and for Trustee to brief and file a substantive response. Greyson
12 Claim did not identify the attorneys that Greyson alleges worked on Greyson's behalf and so there is
13 considerable difficulty in assuring no overlap exists between Greyson claim and claims of individual
14 attorneys and other law firms listed below. Unless Greyson voluntarily produces documents that
15 Trustee requested of Greyson's counsel, Trustee will submit formal discovery requests because
16 Greyson is a party in an adversary and so a 2004 examination is not possible.

17 **Dk. No. 679, filed by Wells, Marble and Hurst, PLLC**

18 Trustee is currently investigating and verifying the \$67,786.14 Wells, Marble and Hurst,
19 PLLC claim ("MHW Claim"). MHW falls under similarly situated "attorney claimants" category
20 that Trustee is carefully investigating to assure there is no overlap with Greyson Claim and that
21 MHW's allowed claim reflects the benefit done for the estate. Trustee anticipates requiring at least 6
22 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive
23 response.

24 **Dk. No. 686, filed by SDCO Tustin Executive Center, Inc.,**

25 Trustee is currently investigating and verifying the \$206,045.84 SDCO Tustin Executive
26 Center, Inc. Claim ("SDCO Claim"). Based on exchange with SDCO's counsel, Trustee anticipates
27 requiring 4 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a
28

1 substantive response.

2 **Dk. No. 693, filed by Melina Beltran**

3 Trustee is currently investigating and verifying the \$30,400.00 Melina Beltran claim. Based
4 on the current state of the investigation, Trustee anticipates requiring 4 weeks post-2/29 Hearing to
5 complete discovery and for Trustee to brief and file a substantive response.

6 **Dk. No. 694, filed by filed by Kimberly Torres**

7 Trustee is currently investigating and verifying the \$20,000.00 Kimberly Torres claim.
8 Based on the current state of the investigation, Trustee anticipates requiring 4 weeks post-2/29
9 Hearing to complete discovery and for Trustee to brief and file a substantive response.

10 **Dk. No. 695 (amended by 727), filed by Melissa Wilkes**

11 Trustee is currently investigating and verifying the \$59,500.35 Melissa Wilkes claim
12 (“Wilkes Claim”). Wilkes falls under similarly situated “attorney claimants” category that Trustee is
13 carefully investigating to assure there is no overlap with Greyson Claim and that Wilkes’ allowed
14 claim reflects the benefit done for the estate. Trustee anticipates requiring at least 6 weeks post-2/29
15 Hearing to complete discovery and for Trustee to brief and file a substantive response.

16 **Dk. No. 697, filed by David Orr, Esq.**

17 Trustee is currently investigating and verifying the \$31,068.45 David Orr, Esq. claim (“Orr
18 Claim”). Orr falls under similarly situated “attorney claimants” category that Trustee is carefully
19 investigating to assure there is no overlap with Greyson Claim and that Orr’s allowed claim reflects
20 the benefit done for the estate. Trustee anticipates requiring at least 6 weeks post-2/29 Hearing to
21 complete discovery and for Trustee to brief and file a substantive response.

22 **Dk. No. 698, filed by R. Reed Pruyn**

23 Trustee is currently investigating and verifying the R. Reed Pruyn claim (“Pruyn Claim”).
24 Trustee requested that Pruyn make a formal calculation of his claim as currently Pruyn does not put
25 forth a specific monetary amount owed to him. Pruyn falls under similarly situated “attorney
26 claimants” category that Trustee is carefully investigating to assure there is no overlap with Greyson
27 Claim and that Pruyn’s allowed claim reflects the benefit done for the estate. Trustee anticipates
28

1 requiring at least 6 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a
2 substantive response.

3 **Dk. No. 700, filed by Jorge E. Sanchez**

4 Trustee is currently investigating and verifying the \$20,824.00 Jorge E. Sanchez claim.
5 Based on the current state of the investigation, Trustee anticipates requiring 4 weeks post-2/29
6 Hearing to complete discovery and for Trustee to brief and file a substantive response.

7 **Dk. No. 701, filed by Jaslynn Sanchez**

8 Trustee is currently investigating and verifying the \$18,930.91 Jasslyn Sanchez claim. Based
9 on the current state of the investigation, Trustee anticipates requiring 4 weeks post-2/29 Hearing to
10 complete discovery and for Trustee to brief and file a substantive response.

11 **Dk. No. 702, filed by Peter Schneider**

12 Trustee is currently investigating and verifying the \$67,252.77 Peter Schneider claim
13 (“Schneider Claim”). Schneider falls under similarly situated “attorney claimants” category that
14 Trustee is carefully investigating to assure there is no overlap with Greyson Claim and that
15 Schneider’s allowed claim reflects the benefit done for the estate. Trustee anticipates requiring at
16 least 6 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive
17 response.

18 **Dk. No. 706, filed by Amy Ginsburg, Kenton Cobb and Shannon Bellfield**

19 Trustee is currently investigating and verifying the Ginsburg, Cobb and Bellfield claims that
20 have been submitted as part of one motion. Ginsburg and Cobb fall under similarly situated
21 “attorney claimants” category that Trustee is carefully investigating to assure there is no overlap
22 with Greyson Claim and that Ginsburg and Cobb’s allowed claims reflect the benefit done for the
23 estate. Bellfield is a paralegal who also handled legal files and whose work will be verified to have
24 been done for the benefit of the estate. Trustee anticipates requiring at least 6 weeks post-2/29
25 Hearing to complete discovery and for Trustee to brief and file a substantive response.

26 //

27 //

Dk. No. 707, filed by Randall Baldwin Clark, Attorney at Law, PLLC

Trustee is currently investigating and verifying the \$45,741.26 Randall Baldwin Clark claim (“Clark Claim”). Clark falls under similarly situated “attorney claimants” category that Trustee is carefully investigating to assure there is no overlap with Greyson Claim and that Clark’s allowed claim reflects the benefit done for the estate. Trustee anticipates requiring at least 6 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive response.

Dk. No. 708, filed by Herret Credit Consultants

Trustee is currently investigating and verifying the \$450,000.00 Herret Credit Consultants’ claim (“Herret Claim”). Trustee anticipates requiring 4 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive response.

Dk. No. 709, filed by Sharp Electronics Corporation

In Trustee’s investigating and verifying the \$132,526.53 Sharp Electronics Corporation’s claim (“Sharp Claim”), Trustee discovered that only \$5,213.79 is alleged to have been accrued during the post-petition admin claim period. Trustee has informed Sharp’s counsel that at most the \$5,213.79 would be allowable under §503(b). Trustee does not anticipate extensive discovery for Sharp claim and will likely complete discovery and file a substantive response shortly after the 2/29 hearing. It may still be prudent to continue the hearing by 4 weeks.

Dk. No. 750, filed by Alteryx

Trustee is currently investigating and verifying the \$703,089.94 Alteryx Claim. Trustee anticipates requiring 6 weeks post-2/29 Hearing to complete discovery and for Trustee to brief and file a substantive response.

ADMINISTRATIVE CLAIMS NOT SUBJECT TO COURT ORDER

Dk. No. 862, filed by Israel Orozco

On January 20, 2024, two months after the administrative claims bar date of November 21, 2023 passed, Israel Orozco filed “Motion to File Claim After Claims Bar Date,” seemingly without entering into a stipulation with Trustee (“Orozco Claim”). Court set the motion for a hearing on February 29, 2024, presumably to be a status conference, as with other admin claims filed in this

1 case. Trustee preserves Trustee's right to object to late filing but nonetheless began investigating and
2 verifying the claim.

3 Orozco falls under similarly situated "attorney claimants" category that Trustee is carefully
4 investigating to assure there is no overlap with Greyson Claim and that Orozco's allowed claim
5 reflects the benefit done for the estate. Trustee anticipates requiring at least 6 weeks post-2/29
6 Hearing to complete discovery and for Trustee to brief and file a substantive response.

7 **Conclusion**

8 Trustee requests that the Court continue the Status Conferences based on Trustee's
9 anticipated time for discovery.

10 Trustee requests that the following Dk. No. status conferences be continued by 4 weeks, to
11 **March 28, 2024:** 645, 665, 686, 693, 694, 700, 701, 708, 729.

12 Trustee requests that the following Dk. No. status conferences be continued by 6 weeks, to
13 **April 11, 2024:** 671, 674, 675, 679, 695, 697, 698, 702, 706, 707, 750, 862.

14 Trustee requests that Dk. No. 676, Greyson status conferences be continued by 8 weeks, to
15 **April 25, 2024.**

16
17 DATED: February 15, 2024

MARSHACK HAYS LLP

18 By: /s/ D. Edward Hays

19 D. EDWARD HAYS

20 ALINA MAMLYUK

General Counsel for Chapter 11 Trustee

21 RICHARD A. MARSHACK

22 4865-9962-3846, v. 1
23
24
25
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27
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EXHIBIT 1



Phoenix Law Group
3347 Michelson Drive, Ste. 400
Irvine, CA 92612
(424) 622-4044
service@phoenixlaw.co

August 3, 2023

Ms. Judith Skiba


RE: Refund Check #1000 - \$600

Dear Ms. Skiba,

It was a pleasure to have you as a client of Phoenix Law, as indicated, we have terminated your contract and enclosed, please find a check for a full refund of payments made.

All the best to you and yours in the future.

Sincerely,



Wm. Ty Carss, Esq.
Phoenix Law

Enclosed: Check #1000

Phoenix Law PC
6080 Center Drive, 4th Fl
Los Angeles, CA 90045

Date August 3, 2023

11-35/1210 CA
72341

1000

Pay To The
Order Of Ms. Judith Skiba

SIX hundred and

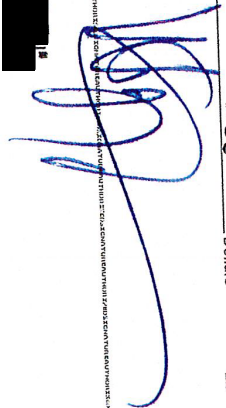
no/100

\$ 600.00
Dollars

BANK OF AMERICA

For Thank you. Accord and Satisfaction

III [Redacted]



ANY INDEBITED PARTY MUST SIGN AND DATE THIS CHECK WITHIN 15 DAYS OF THE DATE OF THE CHECK. IF NOT, THE CHECK IS VOID. IF YOU SIGN THIS CHECK, YOU AGREE TO HOLD THE BANK OF AMERICA HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE BANK OF AMERICA BY ANY PARTY. IF YOU SIGN THIS CHECK, YOU AGREE TO HOLD THE BANK OF AMERICA HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE BANK OF AMERICA BY ANY PARTY.

THANK YOU FOR YOUR PATIENCE
Accord and Satisfaction

PROOF OF SERVICE

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **ADMINISTRATIVE CLAIM STATUS REPORT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **February 15, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **February 15, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR – MAIL REDIRECTED TO TRUSTEE

THE LITIGATION PRACTICE GROUP P.C.
17542 17TH ST, SUITE 100
TUSTIN, CA 92780-1984

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **February 15, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 15, 2024
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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